CLASSIFICATION OFFICE DECISION

Title of publication:	sau hottupe (29 pics) (1).jpg
Other known title(s):	Not stated
OFLC ref:	1600783.012
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Secretary for Internal Affairs
Classification:	Unrestricted.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	20 October 2016
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	20 October 2016

Summary of reasons for decision:

The publication is a of a group of boys posing in a spa pool. Although they are naked, their genitals are obscured and the photograph is innocuous. Although it depicts naked children, it is not reasonably capable of being regarded as sexual in nature. It therefore does not does not get through the "subject matter gateway" of s3(1) of the Films, Videos, and Publications Classification Act 1993, nor does it deal with matters under s3A or s3B of that Act. The publication must therefore be classified as unrestricted. An unrestricted classification imposes no limitations on the right to freedom of expression as affirmed by the New Zealand Bill of Rights Act 1990.